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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR-09-00719-MHP
14 Plaintiff,)
15 v.) [PROPOSED] ORDER EXCLUDING
16 GREGORY ALEXANDER,) TIME FROM NOVEMBER 16, 2009 TO
17 Defendant.) JANUARY 25, 2010

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19 The defendant, GREGORY ALEXANDER, represented by Elizabeth Falk, Assistant Federal
20 Public Defender, and the government, represented by Richard C. Cheng, Assistant United States
21 Attorney, appeared before the Court on Monday, November 16, 2009 for a status hearing. The
22 Defense represented that they are planning to file at least two sets of
23 non-dispositive motions regarding the legality of the charge of Aggravated Identity Theft and the
24 potential suppression of evidence seized from the residence of the defendant for lack of
25 compliance with computer search protocols pursuant to United States v. Comprehensive Drug
26 Testing, 579 F.3d 989 (9th Cir. 2009) . Defense counsel requested a continuance of the matter for
27 adequate defense preparation and continuity of counsel, and for hearing of the motions to be
28 filed

1 no later than January 25, 2009..

2 The matter was continued to March 10, 2010 at 2:30 p.m. for hearing on motion and for
3 trial setting. Counsel for the defendant requested that time be excluded under the Speedy Trial
4 Act between November 16, 2009 and January 25, 2010 to allow adequate time for defense
5 preparation and filing of motions. The Government stated it had no objection to excluding time.

6 Based upon the representation of counsel and for good cause shown, the Court finds that
7 failing to exclude the time between November 16, 2009 and January 25, 2010 would
8 unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable
9 time necessary for effective preparation, taking into account the exercise of due diligence. 18
10 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding
11 the time between November 16, 2009 and January 25, 2010 from computation under the Speedy
12 Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore,
13 IT IS HEREBY ORDERED that the time between November 16, 2009 and January 25, 2010
14 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and
15 (B)(iv).

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18 DATED: 11/17/09

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